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**AUG 30 2006**

PATENT  
 Attorney Docket No. VM7036492002  
 Varian No. 03-030

**REMARKS**

Amendments to claims 1 and 39 are for the purpose of clarifying what Applicant regards as the invention. No new matter has been added.

**I. CLAIM REJECTIONS UNDER 35 U.S.C. § 102**

Claims 1-3, 6-13, 21-25, 27-34, 39-42, and 46-53 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,950,493 (Besson). Applicant respectfully traverse. Applicant further note that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131.

**Claim 1**

Claim 1 has been amended to recite a disk located within the cavity, the disk having a first target material and a second target material, wherein the first target material corresponds with the first portion of the radiation filter, and the second target material corresponds with the second portion of the radiation filter. Besson does not disclose or suggest such limitations in the cited portions of Besson. For at least the foregoing reasons, Applicant respectfully submits that claim 1 and its dependent claims are allowable over Besson.

**Claim 21**

Claim 21 recites generating a first x-ray radiation using a first target material, applying a first filter factor to the first x-ray radiation to obtain a first filtered radiation, generating a second x-ray radiation using a second target material, and applying a second filter factor to the second x-

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ray radiation to obtain a second filtered radiation. Besson does not disclose or suggest the combination of these limitations. According to the Office Action, column 4, lines 39-64, and column 9, lines 45+ allegedly disclose the above limitations. However, Applicant respectfully notes that column 4, lines 39-64 do not disclose or suggest generating first and second x-ray radiation, nor do they disclose or suggest generating first and second x-ray radiation using first and second target materials, respectively. Also, column 9, lines 46-61 actually discloses a positioner 156 that is configured to rotate the filter 150 such that different filter elements 154 intersect the **same** x-ray radiation 132 to create different spectrum of filtered x-ray radiation. As such, the cited passage of Besson does not disclose or suggest a first radiation and a second radiation that are generated using different target materials, nor does it disclose or suggest applying first and second filter factors to such first and second x-ray radiation, respectively. For at least the foregoing reasons, Applicant respectfully submits that claim 21 and its dependent claims are allowable over Besson.

#### Claim 39

Claim 39 recites a positioner coupled to the structure, the positioner configured to move the structure between a first position and a second position, wherein the first radiation filter is adapted to receive a **first radiation generated using the first target material**, and the second radiation filter is adapted to receive a **second radiation generated using the second target material**, wherein the second radiation is generated after the first radiation is generated. Besson does not disclose or suggest these limitations. According to the Office Action, figure 2 of Besson allegedly discloses a positioner 156. However, the positioner 156 of Besson is configured to rotate the filter 150 such that different filter elements 154 intersect the **same** x-ray

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radiation 132 to create different spectrum of filtered x-ray radiation (figure 2, and column 9, lines 46-61). As such, the cited passage of Besson does not disclose or suggest a first radiation and a second radiation that are generated using different respective target materials, wherein the second radiation is generated after the first radiation is generated, nor does it disclose or suggest filtering such first and second radiation using first and second filters, respectively. For at least the foregoing reasons, Applicant respectfully submits that claim 39 and its dependent claims are allowable over Besson.

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**CONCLUSION**

If the Examiner has any questions or comments, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7036492002. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7036492002.

Respectfully submitted,  
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